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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,265	09/19/2003	Thomas J. Hartle	125855-2	6052
23413	7590	01/28/2004		
CANTOR COLBURN, LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002				
			EXAMINER CHEUNG, WILLIAM K	
			ART UNIT 1713	PAPER NUMBER

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/667,265

Applicant(s)

HARTLE ET AL.

eo

Examiner

William K Cheung

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20, 28-34, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Adedeji et al. (US 2002/0137840 A1).

The invention of claims 1-20, 28-34, 37 relates to an **under hood component** comprising a **poly(arylene ether)/polyolefin blend**, a **reinforced poly(arylene ether)/polyolefin blend** or a **combination of the foregoing**.

Adedeji et al. (abstract, page 10-12, claims 1-36) disclose a blend composition that is substantially identical to the under hood component composition being claimed. Since Adedeji et al. (page 7, paragraph 82) disclose that the composition are suitable for under hood component application, it would not be difficult for one of ordinary skill in art to obtain the invention of claims 1-20, 28-34, 37 after reading the disclosure of Adedeji et al. The invention of claims 1-20, 28-34, 37 is anticipated.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
4. Claims 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adedeji et al. (US 2002/0137840 A1) in view of Adedeji et al. (US 2002/0128368 A1).

*The invention of claims 24-27 relates to an **under hood component** comprising a **poly(arylene ether)/polyolefin blend, a reinforced poly(arylene ether)/polyolefin***

***blend or a combination of the foregoing, wherein the blend comprises reinforcing filler.***

Adedeji et al. (US 2002/0137840 A1) (abstract, page 10-12, claims 1-36) disclose a blend composition that is substantially identical to the under hood component composition being claimed. Adedeji et al. (page 7, paragraph 82) further disclose that the composition are suitable for under hood component application.

The difference between the invention claims 24-27 and Adedeji et al. is that Adedeji et al. are silent on an undercomponent comprising reinforcing filler.

Adedeji (US 2002/0128368 A1) (abstract) discloses using glass fibers in a composition that is substantially identical to the composition of Adedeji et al. (US 2002/0137840 A1). Therefore, motivated by the expectation of obtaining material with improved stiffness, it would have been obvious to one of ordinary skill in art to use the reinforcing filler teachings in Adedeji (US 2002/0128368 A1) in Adedeji et al. (US 2002/0137840 A1) to obtain the invention of claims 24-27.

5. Claims 21-23, 35, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adedeji et al. (US 2002/0137840 A1) in view of Adedeji et al. (US 2002/0165317 A1).

*The invention of claims 21-23, 35, 36 relates to an **under hood component** comprising a **poly(arylene ether)/polyolefin blend**, a **reinforced poly(arylene ether)/polyolefin blend** or a **combination of the foregoing**, wherein the blend further comprising a **polyolefin-graft-cyclic anhydride copolymer**.*

Adedeji et al. (US 2002/0137840 A1) (abstract, page 10-12, claims 1-36) disclose a blend composition that is substantially identical to the under hood component composition being claimed. Adedeji et al. (page 7, paragraph 82) further disclose that the composition are suitable for under hood component application.

The difference between the invention claims 21-23, 35, 36 and Adedeji et al. is that Adedeji et al. are silent on an undercomponent comprising comprising a polyolefin-graft-cyclic anhydride copolymer.

Adedeji (US 2002/0165317 A1) (abstract) discloses using a polyolefin-graft-cyclic anhydride copolymer, and a reinforcing filler in a composition that is substantially identical to the composition of Adedeji et al. (US 2002/0137840 A1). Therefore, motivated by the expectation of obtaining material with improved stiffness, it would have been obvious to one of ordinary skill in art to use the reinforcing filler teachings in Adedeji (US 2002/0165317 A1A1) in Adedeji et al. (US 2002/0137840 A1) to obtain the invention of claims 21-23, 35, 36.

Regarding claim 36 which claims "a radiator end cap", the examiner has a reasonable basis to believe that the claimed "a radiator end cap" is inherently possessed in Adedeji (US 2002/0165317 A1) in view that there are not too many end use application that is categorized into the "under hood applications" as affirmed in applicants' specification (page 3, paragraph 0008). One of ordinary skill in art would not have any difficulty obtain the invention of claim 36 after reading the disclosure of Adedeji (US 2002/0165317 A1).

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William K Cheung whose telephone number (571) 272-1097. The examiner can normally be reached on Monday-Friday 9:00AM to 2:00PM; 4:00PM to 8:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David WU can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5885.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1300.

A handwritten signature in black ink, appearing to read 'William K. Cheung', with a long horizontal flourish extending to the right.

William K. Cheung

Patent Examiner

January 18, 2004